

### **REMARKS/ARGUMENTS**

Claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kwiecien et al., U.S. Patent No. 5,970,552, in view of Plein, U.S. Patent No. 1,054,142. Reconsideration of the rejection is respectfully requested. Claim 1 recites a ratcheting fastening mechanism including a ratchet wheel assembly...and a drive shaft which extends outwardly from said front wall in the second transverse direction....

In Kwiecien et al., the hammer tip (22) is disposed opposite to a socket drive along an axis transverse to the handle (12). There is no suggestion of a ratchet wheel assembly in the head with a drive shaft extending outwardly from the front wall in the second transverse direction. Since a socket drive as in Kwiecien must include rotating components for rotation about the axis, for example, a ratchet gear (38) and a disc driver (30), then in order to incorporate therein an additional impacting function by disposing the hammer tip (22) on the head (18), a skilled artisan would not have considered it feasible for the hammer tip (22) to be positioned other than along the same axis of the socket drive. If it was oriented otherwise, the rotating components of the socket drive might be prone to loosening, thereby deviating from their axis due to the repeated impact forces frequently exerted by the hammer tip (22) in use. It would not be obvious to modify Kwiecien to change the orientation of the drive shaft, therefore.

In addition, in Kwiecien et al., the location of the hammer tip (22) along a common axis with the ratchet gear (38) and the socket (54) allows a simple design to enable the user to achieve finger tip ratchet control by manually rotating the hammer tip in a desired direction, thus rotating the socket (54) in the same direction, (column 4, lines 53 - column 5, line 3; Fig. 11). Relocating the hammer tip (22) so that its axis is perpendicular to the axis of the ratchet gear (38) and socket (54), as suggested by the Examiner, citing Plein, in order to produce the claimed invention would unnecessarily complicate the design in Kwiecien et al., and would certainly not be an obvious change. For example, such a moving of the hammer tip (22) would require an additional gear or other means to transmit the rotation of the hammer tip (22) about a first axis to rotate the ratchet gear (38) and socket (54) about a second axis perpendicular to the first axis. Hence, modifying Kwiecien to orient the drive shaft of the ratchet wheel assembly in the second transverse

direction would needlessly complicate Kwiecien's structure and require additional elements, making such modification both senseless and therefore unobvious.

In Plein, it is to be noted that sockets (17) are taught to be provided in several faces of the hammer head (16) in the form of square recesses or wrench holes, (see lines 47-49 on page 1). In view of the fact that the wrench drive to be disposed is in the form of holes, not a rather complicated structure of a ratchet gear included in the claimed ratcheting wrench, and that the middle segment of the hammer head (16) generally is of a thicker nature which could better cater to the need for locating several holes with diversified sizes as required in Plein, (see lines 47-49 in supra), it would be a matter of consequence that the depth of each of the holes would happen to be oriented perpendicular to the hammer head as shown in Fig. 1 of Plein. Given the above, a skilled artisan would have hardly thought of the possibility to combine Kwiecien et al. with Plein to arrive at the claimed ratcheting wrench of this invention.

Plein suggest no ratcheting fastening mechanism at all, just holes for a wrench. If Plein had disclosed such a complicated mechanism as a ratcheting fastening mechanism, then he might not have had the freedom to orient holes in several directions. Plein makes no provision for receiving a ratcheting fastening mechanism. There is no suggestion that Plein could receive that. There is no suggestion in Plein of "a ratcheting fastening mechanism including a ratchet wheel assembly which is disposed in said mounting seat...", and no place in Plein adapted to receive such an assembly or such a wheel. Combining Kwiecien and Plein, or vice versa, is an unobvious modifications of each of them.

Claims 4-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kwiecien et al. in view of Plein, as applied above, and in further view of Krass et al., U.S. Patent No. 6,449,789. Reconsideration of the rejection is respectfully requested.

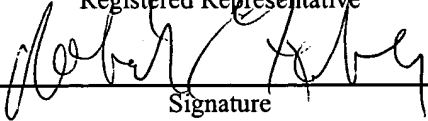
Since claims 4-8 are directly or indirectly dependent on independent claim 1, they are allowable over Kwiecien et al. in view of Plein for the same reasons recited above with respect to the allowability of claims 1-3 over Kwiecien et al. in view of Plein. With regard to Krass et al., although it discloses a tool with double hammer heads, the tool does not include any ratcheting fastening mechanism, as claimed herein.

In view of the foregoing remarks, allowance of claims 1-8 is respectfully requested.

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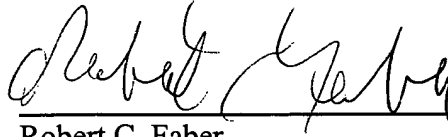
Name of applicant, assignee or  
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September 26, 2005

Date of Signature

Respectfully submitted,



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